



APR 23 2002

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In re Application of	:	
Kats et al.	:	
Application No.: 10/030,646	:	DECISION ON
PCT No.: PCT/US00/15734	:	
Int. Filing Date: 08 June 2000	:	PETITION UNDER
Priority Date: 08 June 1999	:	
Attorney Docket No.: CAC-004 CIP PCT	:	37 CFR 1.137(b)
For: Improved Electronic Weighing Apparatus	:	
Utilizing Surface Acoustic Waves	:	

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 04 January 2002.

BACKGROUND

This international application was filed on 08 June 2000 and claimed an earlier priority date of 08 June 1999. A Demand electing the United States was filed on 21 November 2000, which was prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 08 December 2001. This international application became abandoned with respect to the United States for failure to timely pay the required basic national fee.

Applicants filed the instant petition on 04 January 2002.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is accompanied by the required reply in the form of the required basic national fee.

Regarding requirement (2), the petition is accompanied by the petition fee.

Regarding requirement (3), the petition includes a statement that "the abandonment of

the application was unintentional." This statement is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the national stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an executed oath or declaration and a surcharge under 37 CFR 1.492(e).



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